IN THE UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF TEXAS SHERMAN DIVISION

STEPHEN D. KELLEY,	§	
	§	
Plaintiff,	§	
	§	
V.	§	CASE NO. 4:12cv67
	§	Judge Clark/Judge Mazzant
THE BANK OF NEW YORK MELLON	§	
FKA THE BANK OF NEW YORK, AS	§	
TRUSTEE for the Certificateholders	§	
CWALT Inc., Alternative Loan Trust	§	
2006-39CB, Mortgage Pass-Through	§	
Certificates, Series 2006-39CB	§	
	§	
Defendant.	§	

MEMORANDUM ADOPTING REPORT AND RECOMMENDATION OF THE UNITED STATES MAGISTRATE JUDGE

Came on for consideration the report of the United States Magistrate Judge in this action, this matter having been heretofore referred to the United States Magistrate Judge pursuant to 28 U.S.C. § 636. On April 16, 2012, the report of the Magistrate Judge was entered containing proposed findings of fact and recommendations that plaintiff's case be dismissed for failure to prosecute pursuant to Fed. R. Civ. P. 41(b).

Having received the report of the United States Magistrate Judge, and no objections thereto having been timely filed, this Court is of the opinion that the findings and conclusions of the Magistrate Judge are correct and adopts the Magistrate Judge's report as the findings and conclusions of the Court.

It is, therefore, **ORDERED** that plaintiff's case is dismissed for failure to prosecute pursuant to Fed. R. Civ. P. 41(b).

The Clerk is directed to **CLOSE** this civil action.

So ORDERED and SIGNED this 5 day of June, 2012.

Ron Clark, United States District Judge

Pm Clark